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A STRONG CHARGE TO THE FIRST GRAND JURY

Judge Humphreys Lays Down The Law To That Body

HE SAYS IT MUST FEARLESSLY MEET ITS DUTIES AND RESPONSIBILITIES

Circuit Court Jurist Points Particularly to the Need of Reforming Liquor and Prostitution Evils.

Perhaps the general public had some inkling of the interesting and even sensational statements concerning the morals of this city that were to be made by Judge Humphreys to the grand jury. At any rate there was such a throng at the Judiciary building as has not been seen there for many a moon when the August term of the Circuit Court was opened and the grand and petit juries drawn.

The seating capacity was taken up completely and the portion of the court behind the bar was rapidly filling up with spectators when Judge Humphreys with Judge Silliman came to the bench. Judge Humphreys immediately issued an order restraining the portion of the court behind bar to members of the "learned professions." Judge Humphreys then got right down to business and the High Sheriff called together the grand jurors. They were George R. Carter, H. E. Wait, W. H. Hoops, E. A. McInerney, John Effinger, J. L. McLean, E. I. Spalding, E. S. Lowden, W. O. Atwater, M. P. Robinson, C. H. Atherton, E. Benner, W. G. Ashley, T. W. Hobron, C. A. Graham, Fred Lewis, L. C. Ables, J. S. Walker and Charles H. H. Wait was appointed foreman.

Mr. Spalding pleaded to be excused from attendance at the sessions of the jury alleging that it would much interfere with his business but Judge Humphreys would have none of such excuses and Mr. Spalding resigned himself to his fate with a sigh. Several other men who had hoped to secure the ear of the court and be excused for the same reasons lost their nerve after that and sat still and decided to take their medicine. The only one to be excused was George R. Carter who is a member of the Tax Appeal court and could not be spared from his sessions. A. F. Cooke was drawn in his stead.

J. P. Cooke was a few minutes late and those few moments cost him the sum of \$25 in hard cash. He pleaded in extenuation of his tardiness the fact that the early morning hours had passed so quickly that it was 10 o'clock before he realized it. Judge Humphreys fined him \$25 so that he might not be forgetful another time. Mr. Cooke held a conference with Attorney Geo. Davis and presently the latter came up with an affidavit giving reasons for the delay of Mr. Cooke in appearing in court and asked that the fine be remitted but Judge Humphreys refused to accept excuses and Mr. Cooke had to pay.

The jury was in session nearly the entire day, but owing to the restric-

tions placed upon the members no information could be obtained as to what was done during their deliberations. They will in all likelihood remain in session for several weeks as according to the terms of Judge Humphreys' charge they are adjured to investigate a number of matters that may require the calling of some witnesses. Here is the charge of the Judge which created so much comment about the city yesterday:

The Grand Jurors, being impaneled and sworn, were charged by Judge Humphreys as follows: Gentlemen of the Jury: To you is accorded the honorable distinction of being selected to serve on the first Grand Jury ever impaneled on this island. The institution of the Grand Jury (undoubtedly of English origin) is of great antiquity, and is so completely interwoven with our notions of liberty and administrative justice as to render its general abolition throughout the United States highly improbable, although in one or two States of the Union I believe the system no longer exists. But, whatever may be the policy of the several States in the exercise of their sovereignty as to continuing or abolishing the Grand Jury system as the Constitution or the United States provides; "that no person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of a Grand Jury except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger." It is not within the power of the Territory to abridge the right of any person charged with an infamous crime, and not within the exceptions named in the Constitution, to demand his indictment by a Grand Jury legally constituted before being put upon his trial for such crime.

GRAND JURY'S POWER.

That this limitation on our power does exist may be regarded as a happy condition, for it is at once a menace to the safety of a community and the liberties of the people when the power of finding indictments is vested in one man, no matter how great his learning or how incorruptible his integrity may be. By the institution of the Grand Jury two great ends, the one of liberty, the other of the administration of justice, have been united. That is to say, direct participation by the people in determining whether the citizen shall be charged with crime, and the preventing of that determination from resting entirely in the hands of the executive or of a separate and closed caste.

You are to serve with the deepest impression of the grave responsibility which the oath you have just taken imposes upon you. You sit there for the community, for your country; the laws must be applied through you; they must accuse or exempt from accusation through you.

in matters in regard to which it will be your duty to make inquiry are such as may be within the knowledge of any one of you; such as may be given to you in charge by this Court; such as may be submitted to you by the Attorney General, and finally such as may be brought to your attention by private parties. But you are not limited to your inquiries to crimes which are alleged to have been actually committed. You may comment, in your final report to this Court, and, indeed, it is your duty if necessary, therefore to comment upon the management of public institutions, and any condition which you may deem detrimental to the public good.

SECRECY IMPORTANT.

The Attorney General will examine all witnesses who may be summoned to testify before you, but it is your right also to interrogate such witnesses, and it is a right which no consideration of delicacy should deter you from exercising when you believe the facts may be more fully elicited by your doing so. In such a case it is something more than a right which you may waive at your pleasure. It is a duty, and a duty which you should not shirk.

You will exclude all persons, including the Attorney General or such other person as may for the time being represent the Territory, from your presence while you are deliberating and voting in respect to any matter which may have been brought before you. It is the duty of the Attorney General to advise you as to the law applicable to any particular state of facts. It is not his duty, and it would be highly improper for him, to argue the facts in any case before you, and in no event should he be requested or permitted to express his opinion or belief as to the guilt of any person accused of crime.

The Attorney General under our statute, as well as under the common law of England, possesses the power to enter a nolle prosequi in any case, but this power should be exercised in open court in the glare and blaze of publicity and not in the retreat and seclusion of the Grand Jury room. If in any case you find a bill of indictment, it will be the duty of the Attorney General to prepare such bill at your request. You will hear the witnesses for the prosecution, and if, in your judgment, the evidence of such witnesses, unexplained and uncontradicted, would warrant a conviction by the Petit Jury, it will be your duty to find an indictment. I am not unmindful of the fact that a distinguished Judge has said that it is the duty of the Grand Jury to have any evidence produced which would qualify or explain away the charge under investigation. I do not believe that to be the true rule; nor was it the common law practice. Such a rule if followed would necessarily result in converting what is designed to be a mere preliminary inquest into a body possessing the power of ultimate decision. A system like that would be intolerable. The duty of the Grand Jury is to receive the evidence, to determine the guilt or innocence of persons accused of crimes. In many instances those persons are not under arrest, and to give them an opportunity to present their defenses for your consideration would, while protecting the innocent, forewarn the guilty and enable them to escape through flight, through intimidation of witnesses, or through the many insidious influences which wealth, family, social or political conditions may employ.

ON THE EVIDENCE ONLY.

I therefore charge you, gentlemen of the Grand Jury, that it is your duty to refrain from permitting accused persons or their attorneys or witnesses to appear before you, and you are not to permit such persons, or their attorneys or witnesses or any other person to speak to you upon the street or elsewhere in regard to such case. It may seem harsh, and indeed it is most unfortunate, that an innocent person should be subjected to indictment for crime, consequent arrest, arraignment and trial; but such considerations, where the evidence warrants an indictment in the first instance, are not for you, gentlemen. As human beings are not perfect, their institutions must necessarily be imperfect, and if any innocent person

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MURDER AND SUICIDE IN PALAMA DISTRICT

Pueo, a Native, Kills Wife and Self.

PISTOL AND KNIFE USED

Driven Mad by Jealousy a Stevedore Commits a Fearful Deed Last Night.

At Palama last night Pueo, a native residing there, killed his wife and attempted suicide. The murderer was removed to the Queen's hospital and is expected to die. Pueo's weapon was a cheap revolver. He fired two bullets into his wife's body and cut his throat supposedly with a razor.

Shortly before midnight the police were hastily summoned to Robello Lane near King street by a telephone message from J. A. Noble who reported that murder had been done. Deputy Sheriff Chillingworth with a force of policemen immediately responded in the patrol wagon and on arriving at the scene of the crime found the body of the murdered woman lying face downwards in the front yard of a cottage situated on the Waikiki side of the lane, with the apparently lifeless body of her husband lying close by.

It was quickly ascertained that life was not extinct in the man and he was hurried to the Queen's hospital in the patrol wagon, the corpse of the woman being left where it lay in charge of a police officer.

As Pueo was lifted to the stretcher he made a convulsive movement to his left breast as if searching for a weapon. He moved his head from side to side revealing a horrible gash in his throat but was unable to utter a word.

From the people in the house and neighborhood the details of the crime were learned. Mrs. Paiko lives in the house in which the murder took place and gave the following account of the tragedy.

"Naomi came to stay with me about a fortnight ago," she said, "to help me with some sewing. She never spoke to me of her husband, Pueo. Naomi was a middle-aged woman and had a son and an adopted daughter about seven years of age.

"About 2 o'clock this afternoon Pueo called at the house looking for Naomi. He saw her in the back yard. I was in the house at the time and did not see them together but for a half hour heard them quarreling in the yard in the rear of the cottage.

"Then Pueo went away, Naomi came into the house and resumed her task of sewing, saying nothing to me of the trouble with Pueo. Shortly before midnight when we were all asleep in the house—myself, Naomi and her adopted child—I was awakened by a vigorous shaking of the back door. I slipped on a holoku and going to the door where the noise was, I called out to know who

the late visitor was, without opening the door.

"The answer came, 'It is I, Pueo, I want to see Naomi.'

"Why don't you come in the day time and not so late,' said I.

"Hurry and open the door. I must see Naomi."

"In the meantime Naomi, in hearing the noise at the door and believing it to be her husband, had dressed and come out into the hallway.

"As Naomi neared the door I opened it, seeing that she wanted to talk with him. I stepped back and no sooner was the door opened and Naomi started to step on the veranda than I saw Pueo make a sudden motion with his hand. Then came a blinding flash of flames and a loud report—and that's all I know, for I immediately turned and ran screaming for help to the neighbors. I awoke J. A. Noble who lives almost opposite our house, and he rushed to the Chinese Hospital and telephoned for the police. I did not dare to go back into the house until the police arrived for a man who had heard the shots told me that Pueo was probably alive and might shoot anyone who entered the yard."

The police found the revolver with which Pueo had shot Naomi lying in the back yard at the corner of the house on the walk. It was a cheap, 22-calibre, five-chambered new "Young America" weapon with two chambers discharged. Hair from Naomi's head was between the trigger and the exploded cartridge, and showed the proximity of the gun to the woman's head when the second shot was fired.

The veranda bore evidence of the struggle. An aluminum hairpin was picked up in the farther end, while blood stains colored the floor, the stairs and the gravel walk.

Pueo had evidently fired the second shot on the veranda. Naomi with some strength left ran down the stairs and around the walk to the front yard, where she fell partly on the grass, lying on her right side with her face on the gravel.

Pueo lay almost touching her with his arms extended and when the police came he was still making feeble efforts to reach her.

Naomi had a bullet wound behind the left ear and another in the center of her back the spine being entered. Just above the right hip were three deep gashes supposedly from the same knife with which Pueo tried to kill himself. A casual examination of Pueo's wounds disclosed a peculiar cut in the neck and when lifted up it was seen that his windpipe was severed.

On the way to the hospital Pueo moved about in the patrol wagon and passing the Capitol regained strength enough to draw his hand from his breast and hold up a letter which was seized by the police, and handed to Deputy Sheriff Chillingworth. It was a letter addressed to the High Sheriff and was written in Hawaiian. It is dated August 4, and its ten pages of foolscap told a vivid story of premeditated murder.

Translated, it is as follows:

"To the Honorable High Sheriff. Aloha oe—You will be kind enough to make public this big thing I have to tell you about. I am taking my own life and also the life of Naomi this night. I am doing it on account of my great love for her—love which can never die.

"When we left to come down here in the month of September, 1899, (here the letter was blurred with blood) we did not live as we should, and I have been worried because a certain person by the name of Poolani has been saying things about me. For that reason my mind has not been at rest. It is for that reason I do this black-hearted piece of work. She has been at Mrs. Kaluna's doing quilting but still I still have doubts, and for that my mind is still uneasy.

"I have gone to her with tears in my eyes and cried out to her on account of my love for Naomi. She receives me with laughter but I finally prevailed on her to come home with me. We quarreled until 4:30 in the morning. I wanted her to stay with me in this life but people had told her stories of me.

We were living together all right until these scandalous tales were set afloat and on this account I do this black-hearted deed—on account of my love. Better that we die and better so for all who make trouble in families. If we were put out of the way it could be a lesson to all women to leave the affairs of others alone, especially when they know that those they speak of have husbands to take care of them.

"Each person should look at his own home and attend to his own business; then there would be no trouble in families. With the explanation I give my prayers to the Christian religion from Hawaii to Nihau and to the Christian Endeavor societies and to the stevedores. They all have my greeting, and to my children who are living I give my greatest aloha. Aloha to you all. I wish the Christian religion to save my soul. My corpse must turn to dirt and I wish then to bring my soul to God and I hope God will forgive me for

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COMPOUND OF THE UNITED STATES LEGATION.